

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dayle W. Maas,

Civil No. 02-3671 (DWF/SRN)

Plaintiff,

v.

ORDER

Joanne D. Barnhart
Commissioner of Social Security,

Defendant.

William A. Celebrezze, Aafedt Forde Gray Monson & Hager, PA, counsel for Plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office, counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated July 7, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Summary Judgment (Do. No. 32) is **DENIED** as to outright reversal and award of benefits, but **GRANTED** as to the alternative request that the Commissioner's decision is **REVERSED** and the case **REMANDED** for further administrative proceedings consistent with the Report and Recommendation; and

2. Defendant's Motion for Summary Judgment (Doc. No. 41) is **DENIED**.

Dated: July 25, 2005

s/Donovan W. Frank

DONOVAN W. FRANK

Judge of United States District Court